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OFFICE OF PETITIONS

In re Application of
Richard N. Terry, et al.
Application No. 09/189,240
Filed: November 10, 1998
Attorney Docket No. 02700-0420

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ON PETITION

In re Application of
Richard N. Terry, et al.
Application No. 09/887,680
Filed: October 26, 2001
Attorney Docket No. 02700-0421

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This is a decision on the petition under 37 CFR 1.313(c)(3), filed October 26, 2001, to withdraw application No. 09/189,240 from issue after payment of the issue fee.

The petition is **DISMISSED as moot**.

Petitioners requested that the application be withdrawn from issue for express abandonment in favor of a continuation application filed concurrently therewith. Unfortunately, the petition did not reach the appropriate official for a decision until after December 11, 2001, the date upon which the application issued as U.S. Patent No. 6,329,488. An application which issues as a patent cannot be expressly abandoned.

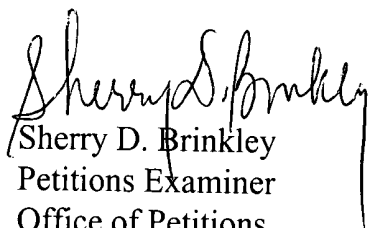
Under the circumstances, the \$130.00 check submitted with the petition under 37 CFR 1.313(c)(3) on October 26, 2001 (Check Number 280265) is being returned. Any inconvenience caused petitioners is regretted.

The application papers submitted with the petition filed October 26, 2001 have been assigned Application No. 09/887,680. Any further communications relating to the continuation application filed on October 26, 2001, should be directed to Application No. 09/887,680.

Application No. 09/189,240 (US Patent No. 6,329,488) is being returned to the files repository.

Application No. 09/887,680 is being forwarded to Initial Patent Examination Division (OIPE) for further processing as a continuation application under 37 CFR 1.53(b), with a filing date of October 16, 2001.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing of the continuation application should be directed to their hotline at (703) 308-1202.



Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure